



#14

PATENT APPLICATION  
Do. No.5038-63

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John B. Halbert et al.

U.S. Serial No. 09/678,751

Examiner:

Pierre M. Vital

Filed: October 3, 2000

Group Art Unit:

2188

For:

BUFFERED MEMORY MODULE SUPPORTING HIGH-SPEED  
SYSTEM MEMORY BUS USING WIDER MEMORY MODULE  
BUS (as amended)RECEIVED  
DEC 16 2003

OFFICE OF PETITIONS

Confirm. No.: 5518

PETITION FOR WITHDRAWAL FROM ISSUE (37 C.F.R. § 1.313) AND  
REQUEST FOR REFUND OF IDS FEE AND ISSUE FEEAttn: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The applicant's petition to withdraw the above-referenced application from issue pursuant to 35 U.S.C. § 1.313(c)(2) for consideration of a request for continued examination.

## 1. Petition fee:

☒ Large entity fee \$130.00 (37 C.F.R. § 1.17(h))2. ☒ STATEMENT

The applicants filed a Supplemental Information Disclosure Statement by first class mail to the U.S.P.T.O. on September 25, 2003, OIPE stamped for September 29, 2003, and received in the Technology Center on October 7, 2003. The IDS was filed under 37 C.F.R. § 1.97(c) with the fee. At the time of filing, however,

12/15/2003 YPOLITE1 00000031 09678751

02 FC:1460

130.00 OP

PETITION TO WITHDRAW FROM ISSUANCE  
REQUEST FOR REFUND

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DO. NO 5038-63

a Final Office action was pending and therefore the filing under 37 C.F.R. § 1.97(c) was mistaken.

Subsequent to the filing of the IDS, applicants filed a response to the Final Office action, on October 3, 2003. The Examiner initiated a telephonic interview with the applicant's attorney on October 9, 2003, to discuss the October 3 response, but did not indicate any irregularity in the IDS. During the interview only minor changes to the claims and informalities to the abstract were discussed. There was not any indication given at that time that the Supplemental IDS and cited references would not be considered.

The Notice of Allowance was issued and mailed October 22, 2003, still with no indication that the Supplemental IDS would not be considered. The Notice of Allowability papers showed there were items pending with the application, such as the request to submit a formal statement regarding the telephonic interview, but did not include a MPEP § 609.49 paragraph, which would have clarified the status of the IDS. The applicant's attorney submitted the required interview summary by the one month deadline, November 20, 2003, along with the issue fee payment. The Examiner's notice that the Supplemental IDS would not be considered was finally mailed the same day, November 20, 2003. Had applicants known upon receiving the Notice of Allowance, or at any other time prior to paying the issue fee, that the IDS was in error and would not be considered, the issue fee would not have been paid and a Request for Continued Examination would have been filed.

The applicants respectfully request the application be withdrawn from issuance, and submit herewith a Request for Continued Examination in order to file a corrected Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97(b)(4).

3. ☒ Other: Notice of IDS not considered Paper No. 11 (Copies)
4. Request for Refund:
- ☒ Applicant requests refund of the Supplemental IDS fee for the IDS that was not considered.
- ☒ Applicant requests refund of the issue fee that would not have been forwarded in conjunction with the interview summary had the Notice of non-consideration of the IDS submitted been indicated, or processed in a more timely manner with regard to the Notice of Allowance.

☒ Applicant requests the refunds be credited to Deposit Account

No. 13-1703

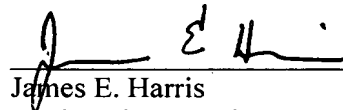
5. Fee Payment:

- ☒ PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed (\$130.00 petition fee).
- ☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

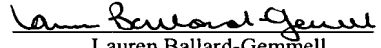
Respectfully submitted,

Marger Johnson & McCollom, P.C.  
1030 SW Morrison Street  
Portland, Oregon 97205  
(503) 222-3613

  
James E. Harris  
Registration Number

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as first class mail in an  
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Patents, P.O. Box 1450, Alexandria,  
VA22313-1450

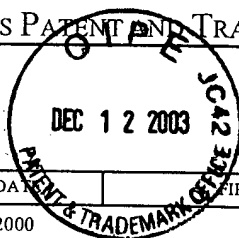
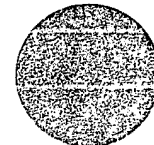
Date: December 10, 2003

  
Lauren Ballard-Gemmell



UNITED STATES PATENT AND TRADEMARK OFFICE

JEH



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,751	10/03/2000	John B. Halbert	5038-63	5518

20575 7590 11/20/2003  
MARGER JOHNSON & MCCOLLOM PC  
1030 SW MORRISON STREET  
PORTLAND, OR 97205

EXAMINER
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VITAL, PIERRE M

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 11/20/2003

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DEC 16 2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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**Commissioner for Patents**

The Supplemental Information Disclosure Statement (IDS) filed 9/29/03 and submitted under 37 CFR 1.97 (c) has not been considered by the Examiner because it does not contain a statement under 37 CFR 1.97 (e) as required when filed after final action or notice of allowance.

*Reginald G. Brage*

REGINALD G. BRAGE  
PRIMARY EXAMINER

**COPY**



Atty. Docket No.:  
Applicant:  
Filing Date:

5038-063  
John B. Halbert  
October 3, 2000



Serial No. 09/678,751  
Group: 2188

## PATENT APPLICATION

INFORMATION DISCLOSURE CITATION  
FORM PTO-1449 (Modified)

## U.S. PATENT DOCUMENTS

Exam Init	Ref	Document Number	Issue Date	Name	Class	Sub Class
		6,502,161 B1	Dec. 31, 2002	Perego et al.	711	5
		6,345,321 B1	Feb. 5, 2002	Litaize et al.	710	23

## FOREIGN PATENT DOCUMENTS

Exam Init	Ref	Document Number	Publication Date	Country	Name

## OTHER DOCUMENTS

Exam Init	Ref	(Author, Title, Date, Pertinent Pages, Etc.)

Intel Corporation, International Application No. PCT/US98/25181,  
International Filing Date: Nov. 23, 1998

Technology Center 2100

OCT 07 2003

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Examiner: \_\_\_\_\_

Date Considered: \_\_\_\_\_

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considered

Not